

REMARKS

Claims 31-43 are pending in this application. Claims 31-43 stand rejected. In particular Claims 31-43 are rejected under 35 U.S.C. 102(e) over the cited U.S. Patent No. 5,706,427 to Tabuki. Claims 31-43 are also rejected under the judicially created doctrine of double patenting.

A terminal disclaimer is filed herewith to overcome the double patenting rejection. Amendments made to claims 31-36 overcome the examiner's grounds for rejection under section 102.

Claim 31 now recites a method including comparing the parameters of the live data with the parameters of the records of biometric data to determine whether or not the live data sufficiently matches the selected records as to authenticate the individual.

Tabuki relates to a system for authenticating users on a network. The system comprises a user host, a verification server and an application server. First the application server requests the user host to send authentication data, e.g. biometric physical quantity or digital signature. The user host in response to the request inputs the user's signature and sends this data to the verification server together with the identification data of the user (for example a membership number or a user name). The verification server saves the authentication data and identification data sent from the user host and verifies this against valid authentication data. That is, the verification server has an internal database with identification data for the identity claimed by the user host. The extracted authentication data and the authentication data received from the application server are compared and the verification result is sent back to the application server. (col.4, 1.23-44).

Tabuki fails to teach that data has parameters, which can be compared to determine if authentication is possible as set forth in Claim 31. Accordingly, it is respectfully submitted that independent Claim 31 and Claims 32-35, which depend from Claim 31, are distinctly patentable over Tabuki.

Claim 36 is amended to reflect an aspect of this same concept. Particularly, claim 36 requires an authentication center and that the "authentication center compares the parameters of the live data with parameters of the biometric data". This function of the authentication center is to first determine if authentication is possible. Tabuki does not teach comparing the data as set

forth in Claim 36. Claims 37-43, which depend from Claim 36, are also patentable over Tabuki at least based on their dependencies.

The issues raised by the Examiner have been addressed and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270 and credit any overpayments to the same account. Please phone the undersigned with any questions or to expedite issuance of a U.S Patent.

Respectfully submitted,

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